

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**ADDENDUM TO THE FINAL STATEMENT OF REASONS****CALIFORNIA CODE OF REGULATIONS****TITLE 8: Chapter 4, Subchapter 7, Article 9, Section 3362
of the General Industry Safety Orders****General Sanitation Requirements for Mold**

No further modifications to the information contained in the Initial Statement of Reasons (ISOR) are proposed as a result of the 15-day Notice of Proposed Modifications mailed on April 5, 2002. Therefore, the factual basis and necessity for the regulation remain as described in the Final Statement of Reasons.

SUMMARY AND RESPONSE TO ORAL AND WRITTEN COMMENTS**I. Written Comments**

Paul Jordan, Senior Safety Consultant, Universal Studios, Inc., by letter dated April 25, 2002.

Comment:

The commenter states that in some cases, motion picture sets are built on sound stages and water is used to simulate rain, or a pool, river, or pond. The commenter is concerned that the evaporation of this water could be considered "leakage from interior water sources or other uncontrolled accumulation of water," and would therefore have to be "corrected" as per the requirement stated in proposed subsection (g).

Response:

The Occupational Safety and Health Standards Board (Board) appreciates the commenter's concern, but does not believe that evaporation can reasonably be considered to constitute either "leakage" or "uncontrolled accumulation" of water. Therefore, the Board respectfully declines to amend the proposed regulatory text in response to the comment.

The Board thanks Mr. Jordan for his participation in the Standards Board's rulemaking process.

Joel M. Cohen, MPH, CIH, the Cohen Group, by letter dated April 25, 2002.

Comment:

The commenter proposes this comment on behalf of employers in the construction trades. The commenter believes that the Board should not adopt proposed subsection (g) because, “There is nothing in the scientific literature that states that the static presence of mold causes disease or would be an unsanitary condition.” According to the commenter, if mold is to be considered an agent of disease, a level where disease can be expected must be stated. The commenter further adds that the proposal is inappropriate for addressing mold because mold is ubiquitous and water alone does not cause mold to grow, and provides alternative language as follows:

“When conditions have caused sustained exterior water intrusion or leakage from water sources, or other uncontrolled accumulation of water for more than 48 hours occurring in environments and on surfaces favorable for the growth of mold, the intrusion, leakage or accumulation may lead to excessive mold growth that, if disturbed, could present an unsanitary condition.”

Response:

The Board believes that the Hazard Evaluation System Information Service (HESIS) and the Division of Occupational Safety and Health (Division) reviewed the scientific literature sufficiently to determine the nature of the problem presented by mold. As stated in the ISOR and the responses to comments in the Notice of Proposed Modifications (Notice), molds can produce a range of adverse health effects. These health effects are demonstrated in the experience of the California Job Journal’s employees presented by Kathy Masera and contained in the Notice. It is also important to note that molds, as living organisms, generally are not a “static presence.” Molds spread across and within a substrate under favorable conditions, and in most cases, cause the degradation of that substrate and impair its structural integrity. Existing Section 3362 is directed to various potential agents of disease, none of which are quantified, because the abatement measures called for are the practices of cleanliness and preventive maintenance. For these reasons, the Board finds that the inclusion of the Division’s proposed amendment within the general sanitation requirements is appropriate.

Secondly, Mr. Cohen states that it is inappropriate to focus the proposal on the presence of uncontrolled water because water alone does not cause the growth of mold. The Division determined that water is the factor that an employer could most easily control to preemptively curtail the proliferation of molds. The participants in the Advisory Meeting of November 13, 2001 supported this approach.

Finally, the Board finds that the alternative language provided by Mr. Cohen is a restatement of the problem, but does not provide a requirement that an employer is to follow to remedy the situation. The Board thanks Mr. Cohen for his suggestion but for the reasons stated above respectfully declines to amend the proposed regulatory text in response to the comment.

The Board thanks Mr. Cohen for his participation in the Standards Board's rulemaking process.

DETERMINATION OF MANDATE

This regulation does not impose a mandate on local agencies or school districts as indicated in the Initial Statement of Reasons.

ALTERNATIVES CONSIDERED

The Board invited interested persons to present statements or arguments with respect to alternatives to the proposed regulation. No alternative considered by the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the adopted action.